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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/674,426	10/01/2003	Nathaniel W. Diedrich	48-1003	5641

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07/28/2005

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EXAMINER
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LOFTIN, CELESTE

ART UNIT	PAPER NUMBER
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2686

DATE MAILED: 07/28/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/674,426

Applicant(s)

DIEDRICH ET AL.

Examiner

Celeste L. Loftin

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 01 October 2003.
- 2a) ☐ This action is **FINAL**.      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☒ Claim(s) 11 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10/01/03 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>Jan. 02, 2004</u> . | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Claim Objections*

1. Claim 11 objected to because of the following informalities: in line 2 of claim the word system is missing between communication and receives. Appropriate correction is required.

### *Claim Rejections - 35 USC § 102*

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

3. Claim 1-4, 7, and 9-20 are rejected under 35 U.S.C. 102(e) as being anticipated by Kennedy III, U.S. Patent Application Pub. No. US 2003/09126018.

Regarding claim 1, Kennedy III discloses a vehicle communication system comprising:

a first communication system (i.e. voice network) connected to a user interface and capable of sending information to the user interface (col. 8 lines 5-8);

a second communication system (i.e. data network) connected to the user interface and capable of sending information to the user interface (col. 8 lines 61-66 and see figure 1, element 20);

the user interface comprising at least one control (i.e. variety of buttons) and a display (col. 4 lines 12-13);

the user interface being connected to at least one loudspeaker (i.e. speaker col. 13 line 23);

wherein the first communication system and the second communication system communicate with one another (i.e. both comprised of the Network Switching Center (NSC)) and determine which system can communicate with the user interface (reads on each time a mobile unit establishes a connection with NSC, NSC determines whether it is specified by the data message) (See figure 1 element 14 and col. 12 lines 44-46).

Regarding claim 2 Kennedy III discloses the vehicle communication system according to claim 1, wherein the first communication system includes provisions for sending and receiving (reads on voice network comprises a first voice network that supports traditional voice services, such as, for example sending and receiving voice calls) wireless telephone (i.e. mobile unit) calls (col. 8 line 4 and line 14-16).

Regarding claim 3 Kennedy III discloses the vehicle communication system

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according to claim 1, wherein the first communication system is configured to communicate with a wireless telephone (reads on mobile unit is couple to NSC using voice network) (col. 8 line 4).

Regarding claim 4 Kennedy III discloses the vehicle communication system according to claim 1, wherein the first communication system is configured to wirelessly (i.e. portable) communicate with a wireless telephone (col. 4 line 1).

Regarding claim 7 Kennedy III discloses the vehicle communication system according to claim 1, wherein the second communication system is configured to wirelessly communicate (reads on data network and data paths may be wireline, wireless, or a combination) with vehicle assistance service provider (i.e. roadside assistance) (col. 8 lines 61-63 and col.15 line 30).

Regarding claim 9 Kennedy III discloses the vehicle communication system according to claim 1, wherein the second communication system is configured to receive different types of calls from a second communication service provider and information related to the different types of calls is used to determine which system can communicate with the user interface (reads on the data path established by the data network and data paths provide a sufficiently small transmission time to enable data) (col. 8 line 67 and col. 9 line 1).

Regarding claim 10 Kennedy III discloses a motor vehicle comprising:  
a chassis and at least one wheel adapted to contact a road surface (reads on any other suitable portion) (col. 13 line 48);

an interior including a steering wheel (i.e. steering wheel), dashboard (i.e. dashboard) and driver's seat (reads on any other suitable portion) (col. 13 line 47-48);

a first communication system (i.e. mobile unit) installed in the motor vehicle and in communication with a user interface and configured to communicate with a first communication network (i.e. voice network) (see figure 1 element 12 and col. 8 lines 5-8);

a second communication system (i.e. Computing Device) installed in the motor vehicle and in communication with the user interface and configured to communicate with a second communications network (i.e. data network) (figure 1 element 94 and col. 8 lines 61-66); and

wherein the first communication system communicates with the second communication system (computing device exchanges information with the various components of mobile unit) (see figure 1 element 12 and 94, col. 7 50-51).

Regarding claim 11 Kennedy III discloses the motor vehicle according to claim 10, wherein the first communication system is engaged in an active call and wherein the second communication receives a second call while the first communication system is engaged in the active call (reads on receives a priority service message during preexisting communication) and wherein the active call is interrupted by the second call (reads on upon receiving a priority service message, NSC suspends or terminates preexisting communication) (col. 26 lines 8-10 and lines 13-16).

Regarding claim 12 Kennedy III discloses the motor vehicle according to claim 10, wherein the first communication system communicates with the second

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communication system (computing device exchanges information with the various components of mobile unit) and wherein the two communications systems, by communicating with one another, determine which communication system is given priority (reads on upon receiving priority service message, NSC suspends or terminates preexisting communication between mobile unit and NSC and establishes a voice and /or data session) (col. 26 lines 13-18, see figure 1 element 12 and 94, col. 7 50-51).

Regarding claim 13 Kennedy III discloses a motor vehicle comprising:

a chassis, at least one wheel adapted to contact a road surface, and an interior (reads on any other suitable portion); the interior including a steering wheel (i.e. steering wheel), dashboard (i.e. dashboard) and driver's seat (reads on any other suitable portion); the motor vehicle further comprising (col. 13 line 47-48):

a first communication system (i.e. mobile unit) in communication with the motor vehicle and configured to communicate with a first communication network (i.e. voice network) (see figure 1 element 12 and col. 8 lines 5-8);

a second communication system (i.e. Computing Device) in communication with the motor vehicle and configured to communicate with a second communications network (i.e. data network) (figure 1 element 94 and col. 8 lines 61-66);

wherein the first communications network (reads on voice network comprises any suitable number and collection of telecommunication hardware and associated software) is different than the second communications network (reads on data network may include hardware and software to establish a dedicated data path) (col. 8 lines 10-12 and lines 55-56); and

wherein the first communication system communicates with the second communication system (i.e. both comprised of the Network Switching Center (NSC)) (See figure 1 element 14).

Regarding claim 14 Kennedy III discloses the motor vehicle according to claim 13, wherein the first communication system is configured to receive information from a wireless telephone network (reads on the communication session may include bidirectional voice and/or data communication between the mobile unit) (col. 12 lines 1-3).

Regarding claim 15 Kennedy III discloses the motor vehicle according to claim 13, wherein the second communication system is configured to receive information (device exchanges information with the various components of mobile unit) from a driver assistance network (i.e. emergency assistance) (col. 7 lines 50-51 and col. 15 line 7).

Regarding claim 16 Kennedy III discloses the motor vehicle according to claim 13, wherein the first communication system and the second communication system communicate with one another (reads on device exchanges information with the various components of mobile unit) and determine which communication system has priority (reads on upon receiving priority service message, NSC suspends or terminates preexisting communication between mobile unit and NSC and establishes a voice and/or data session) (col. 7 lines 50-51 and col. 26 lines 13-18).

Regarding claim 17 Kennedy III discloses the motor vehicle according to claim 13, wherein the second communication system interrupts a call in progress on the first communication system (reads on upon receiving priority service message, NSC



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suspends or terminates preexisting communication) (col. 26 lines 13-18).

Regarding claim 18 Kennedy III discloses the motor vehicle according to claim 13, wherein the second communication system retains priority over a call received by the first communication system (reads on upon receiving priority service message, NSC suspends or terminates preexisting communication between mobile unit and NSC and establishes a voice and /or data session) (col. 26 lines 13-18).

Regarding claim 19 Kennedy III discloses the motor vehicle according to claim 13, further comprising a vehicle control system wherein the vehicle control system includes speech recognition (reads on an operator of mobile unit may issue a verbal command to select a particular enhanced service offered by a service center to monitor and control a particular sensor) and wherein the first communication system has priority over the vehicle control system (reads on upon receiving priority service message, NSC suspends or terminates preexisting communication between mobile unit and NSC and establishes a voice and /or data session) (col. 14 lines 59-62 and col. 26 lines 13-18).

Regarding claim 20 Kennedy III discloses the motor vehicle according to claim 13, wherein the first communication system retains priority over a call received by the second communication system (reads on upon receiving priority service message, NSC suspends or terminates preexisting communication between mobile unit and NSC and establishes a voice and /or data session) (col. 26 lines 13-18).

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

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obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claim 5,6, and 8 rejected under 35 U.S.C. 103(a) as being unpatentable over Kennedy III, in view of P. Kennedy, U.S. Patent No. 6,377,825.

Regarding claim 5 Kennedy III discloses the vehicle communication system according to claim 1, but fails to disclose wherein the first communication system is configured to wirelessly communicate with a wireless telephone using Bluetooth.

In a similar field of endeavor, Kennedy discloses the vehicle communication system, wherein the first communication system is configured to wirelessly communicate with a wireless telephone using Bluetooth (read on as a combination of these and other air link technologies, such as Bluetooth) (col. 5 lines 24-25).

At the time of the invention it would have been obvious to one of ordinary skill in the art to modify Kennedy III to include a first communication system configured to wirelessly communicate (i.e. air link technologies, such as Bluetooth) with a wireless telephone. Motivation for the combination is to make the number of signal conduction wires substantially reduced.

Regarding claim 6 Kennedy III discloses the vehicle communication system according to claim 1, but fails to disclose wherein the first communication system is configured to wirelessly communicate with a microphone using Bluetooth.

In a similar field of endeavor, Kennedy discloses the vehicle communication system, wherein the first communication system is configured to wirelessly

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communicate with a microphone using Bluetooth (reads on the telephone generally features a built-in speaker and microphone) (col. 5 lines 32-33).

At the time of the invention it would have been obvious to one of ordinary skill in the art to modify Kennedy III to include a first communication system configured to wirelessly communicate with a microphone using Bluetooth. Motivation for the combination is to provide for the input and output respectively of audio signals.

Regarding claim 8 Kennedy III discloses the vehicle communication system according to claim 1, wherein the first communication system communicates with the second communication system (reads on device exchanges information with the various components of mobile unit) but fails to disclose using CAN (col. 7 lines 50-51).

In a similar field of endeavor, Kennedy discloses the vehicle communication system, wherein the first communication system communicates with the second communication system using CAN (reads on the external subsystem may also include a controller area network (CAN) found in at least some vehicles and which includes a bus along which a number of vehicle elements communicate) (col. 25 lines 3-7).

At the time of the invention it would have been obvious to one of ordinary skill in the art to modify Kennedy III to include a first communication system that is configured to communicate with the second communication system using CAN. Motivation for the combination is to provide a cost-effective communication bus for the vehicle communication system.

***Conclusion***

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Van Bosch, U.S. Patent No. 2004/0192405 discloses a portable wireless communication device and methods of configuring same when connected to a vehicle.

Casali, U.S. Patent No. 2003/0068999 discloses an interactive taxi Information system.

Witte, U.S. Patent No. 6,917,801 discloses a communication system for use with a vehicle.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Celeste L. Loftin whose telephone number is 571-272-2842. The examiner can normally be reached on Monday thru Friday 8am-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Marsha Banks-Harold can be reached on 571-272-7905. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

CL

*W. K. Gotoo*  
**JOY K. CONTEE**  
**PATENT EXAMINER**  
*7/25/05*